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February 23, 2006

TO: U.S. Serial No. 10/773,692

Company:

U.S. Patent and Trademark Office

Fax #: 571-273-8300

City/State:

Alexandria, VA 22313

Mail Stop Amendment

FROM: W. Scott Petty

0252

Our Ref. #:

06931.105021CON

NUMBER OF PAGES (including transmittal sheet): 10

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Notes/Comments:

Documents Submitted Via Facsimile:

Applicant: Tomas Murray

Serial No.: 10/773,692

Filed: February 6, 2004

For: Method and System for Improved Short Message Services

Papers Faxed: Amendment Transmittal (2-pgs.); and Amendment and Response to Non-Final Official Action (7-pgs.)

PATENTS

IN THE U.S. PATENT AND TRADEMARK OFFICE

In re Application of:

Tomas Murray

Serial No.: 10/773,692

Filing Date: February 6, 2004

Title: Method and System for
Improved Short Message Services

Art Unit: 3663

Examiner: Tuan C. To

Confirmation No.: 7799

Attorney Docket No. 06931.105021CON

AMENDMENT TRANSMITTAL

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are papers in the above-identified application.

- ☒ Amendment and Response [and Petition for Extension of Time].
☐ Applicant(s) claim small entity status. See 37 C.F.R. § 1.27.
☐ An additional fee is not required.
☐ The additional fee is calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST PREVIOUSLY PAID FOR	PRESENT EXTRA	SMALL ENTITY		LARGE ENTITY	
					RATE	ADDIT. FEE	RATE	ADDIT. FEE
TOTAL	17	MINUS	20 =	0	x25	\$	x50	\$0
INDEP.	2	MINUS	3 =	0	x100	\$	x200	\$0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS					+180	\$	+360	\$
TOTAL ADDITIONAL FEE						\$	\$0	

- ☐ A check in the amount of \$_____ is attached.
☒ The Commissioner is hereby authorized to charge any additional fees required under 37 C.F.R. § 1.16, or to credit any overpayment, to Deposit Account No. 11-0980. A duplicate of this sheet is enclosed.

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addressed to: Mail Stop Amendment, Commissioner for Patents,
P.O. Box 1450, Alexandria, VA 22313-1450, on
February 23, 2006.

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By: *Kerry L. Broome*

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By: *Kerry L. Broome*

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Improved Short Message Services)	

AMENDMENT AND RESPONSE TO NON-FINAL OFFICIAL ACTION

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the non-final Office Action mailed December 21, 2005, please consider the following claim amendments and remarks.

The Applicant kindly thanks the Examiner for his acknowledgment of the allowability of Claims 2-18 in view of the telephone interview conducted with Applicant's counsel on February 6, 2006. The Examiner rejected Claims 1-18 under 35 U.S.C. § 112 in the present Official Action. In a telephone conference conducted with Applicant's counsel on February 6, 2006, however, the Examiner agreed that the rejections as to Claims 2-18 under Section 112 were improper. More specifically, the Examiner agreed with Applicant's counsel that the language "operative to" does not render the claims indefinite under 35 U.S.C. § 112. Accordingly, Applicant's counsel understands that the Examiner acknowledged in the telephone interview that Claims 2-18 as presently presented are allowable.

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W. Scott Petty, Reg. No. 35,625

February 23, 2006
WSP